

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 v.) Cr. No. 02-30043-MAP
)
 ROMAN ZHIRNOV,)
 Defendant.)

Government's Motion for Review of Release Order

The United States of America, by and Michael J. Sullivan,
United States Attorney for the District of Massachusetts,
respectfully moves for review of the Magistrate Judge's Order of
Release of Roman Zhirnov dated February 10, 2004, pursuant to 18
U.S.C. § 3145(a).

Zhirnov is charged in a superseding indictment with being a
convicted felon who, with four codefendants, sold twenty-five
illegal firearms to an undercover cooperating witness.
Previously, Zhirnov had committed serious violent crimes against
his wife¹ and a subsequent girlfriend. He committed the crimes
charged in this indictment while on probation.

On January 30, 2004, the Magistrate Judge granted the
government's motion to detain Zhirnov as a risk of flight and
danger to the community. On February 10, 2004, the Magistrate
Judge issued an order releasing Zhirnov on conditions. The only
condition of release imposed by the Court that had not previously

¹ The arrest reports related to Zhirnov's arrest on August
1, 1998 are attached hereto.

been available was the posting of a \$5,000 cash bond by Ekktram Namedov and Mr. Namedov's wife, Taisa Prokkerkus. The government respectfully disagrees with the Magistrate Judge that the \$5,000 bond is sufficient to tip the scale in favor of release.

Mr. Namedov testified at the detention hearing that he and his wife were friends of Zhirnov's family in Russia. He originally described his relationship with Zhirnov in the United States as like that of a father and son. Among other things, Mr. Namedov professed to know through conversations with Zhirnov that Zhirnov's mother and father were still living in Russia together. When confronted with the fact that Zhirnov's father has been dead for some time, Mr. Namedov retreated and said that his relationship with Zhirnov was in renting videos at Zhirnov's video store.


Mr. Namedov also testified that he and his wife had \$8,000 in savings and owned a house with some equity in it. Mr. Namedov, however, resolutely refused to post on Zhirnov's behalf the additional \$3,000 in cash or the house.

In the end, Zhirnov is a convicted felon with a propensity for violence who has minimal ties to the community. Zhirnov was in the process of moving to Philadelphia prior to his arrest. He is charged with being a coconspirator in the sale of twenty-five firearms, a crime that he committed while on probation. The government respectfully submits that the posting of \$5,000 by

people with whom Zhirnov has a tenuous relationship is not sufficient to guarantee the safety of the community or Zhirnov's appearance as required.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

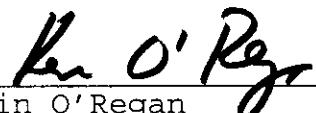
By: 
Kevin O'Regan
Assistant U.S. Attorney

Date: February 17, 2004

Certificate of Service

February 17, 2004

I certify that I have served a copy of the foregoing by fax on Attorney Charles Sciafani, 413-737-6866.


Kevin O'Regan
Assistant U.S. Attorney

[illegible]

CODE	QTY.	YEAR	ITEMMAKE	BRANCHMODEL	COLOR	SERIAL/VIN NUMBER	DESCRIPTION	VALUE	UCR CODE
CODE	QTY.	YEAR	ITEMMAKE	BRANCHMODEL	COLOR	SERIAL/VIN NUMBER	DESCRIPTION	VALUE	UCR CODE
CODE	QTY.	YEAR	ITEMMAKE	BRANCHMODEL	COLOR	SERIAL/VIN NUMBER	DESCRIPTION	VALUE	UCR CODE
CODE	QTY.	YEAR	ITEMMAKE	BRANCHMODEL	COLOR	SERIAL/VIN NUMBER	DESCRIPTION	VALUE	UCR CODE

On 08/01/98 at 11:00 Roman broke into my apartment through the rear door and forced my daughter and I into my bedroom. He then began beating us. He was hitting us in the face and head and picking us. He was threatening to kill us because we called the police and made him move out. He put on work gloves and told us the police would not have any proof he was there because there would be no finger prints or evidence. He kept threatening he was going to kill us and made us stay on the floor until he took a pair of scissors and put them to my daughter's throat and forced her to leave with him. He told her she would be killed if she made any noise. He also threatened to stab me with the scissors and held them to my back when my other daughter came home. He told me to be quiet.

THIS STATEMENT WAS GIVEN BY IRINA SY SOYEVA THROUGH THE TRANSLATION OF LILIYA PIROGOVA AND WRITTEN BY THIS OFFICER, A. BURKE.

A FALSE STATEMENT IS A VIOLATION OF THE MASSACHUSETTS STATUTE 269-13A		INVESTIGATING OFFICER	1. A. BURKE I.D. # 858
PRINT NAME IRUNA SYSOYEVA	SIGNATURE <i>Iruna Sysoyeva</i>	2. KASPEROWSKI I.D. # 3500	
WITNESS		SUPERVISOR	
PRINT NAME IRUNA DROGOVA	SIGNATURE <i>Iruna Drogovala</i>	<i>Iruna Drogovala</i>	

COURT REPORT		JUVENILE REFERRAL		SUPPLEMENT		OTHER DIVISION/AGENCY		CASE # 102-172004-1		DISPOSITION		UCR CODE	
INCIDENT CODE: 202-069112		ABANDON 9111 DOMESTIC ARREST		416									
NAME TYPE: A - ARREST C - COMPLAINT I - INTERVIEWED P - PASSENGER V - VICTIM X - OTHER		O - OPERATOR S - SUSPECT W - WITNESS Y - ACCUSED		W - WHITE B - BLACK A - ASIAN		S.S. #		D.B. #		BY OFFICER #		REF. CASE	
B - BUSINESS D - PEDESTRIAN J - JUVENILE		FIRST NAME		MI		DATE OF BIRTH		SERIAL/VIN NUMBER		DESCRIPTION		UCR CODE	
TYPE		INNA		W		01/28/85		101 PINE ST. 2ND FL. W.S. 7346533					
V ZHIRNOVA		ROMAN		W		08/24/70		409 WESTFIELD ST. APT. 7-C, W.S.					
V ZHIRNOV		LILIVA		W		07/15/76		101 PINE ST. 2ND FL. W.S. 7346533					
V PIROGOVA													
CODE QTY. YEAR		ITEM NAME		COLOR		SERIAL/VIN NUMBER		DESCRIPTION		VALUE		UCR CODE	
CODE QTY. YEAR		ITEM NAME		COLOR		SERIAL/VIN NUMBER		DESCRIPTION		VALUE		UCR CODE	
CODE QTY. YEAR		ITEM NAME		COLOR		SERIAL/VIN NUMBER		DESCRIPTION		VALUE		UCR CODE	
STATEMENT: On 08/01/98 at 11:00PM Roman Zhirnova came here to Pine St. and broke in to my mother's and my apartment through the rear door. He then brought my mother and me into my mother's bedroom and began beating us. He kept threatening that he was going to kill us because we made him move out and got a restraining order against him. He was hitting me with his fists and kicking me in the face and head. He also kicked and hit my mother in the head and threatened to kill her too. He kept us in this bedroom until about 2:30AM when he took a pair of scissors and put them to my throat and told me he would kill me if I made any noise. He brought me to his car which was parked about one block away and forced me inside his apartment at the rooftop chalet and threatened to take my son, Andrey, in week. He wanted me to write a letter to say he could take the letter and he called because he is not allowed to. I would not write the letter and he hung up instead of telling them that I was going to try to kill him but he hung up instead. He was drunk because I could smell it on his breath. THIS STATEMENT WAS GIVEN BY INNA ZHIRNOVA THROUGH THE TRANSLATION OF LILIVA PIROGOVA AND WRITTEN BY THIS OFFICER, A. BURKE. A FALSE STATEMENT IS A VIOLATION OF THE MASSACHUSETTS STATUTE 269-13A													
PRINT NAME: Inna Zhirnova		SIGNATURE: Inna Zhirnova		INVESTIGATING OFFICER: 1. A. BURKE		ID. # 858		SUPERVISOR: KASPEROWSKI		ID. # 3500			
PRINT NAME: Liliva Pirogova		SIGNATURE: Liliva Pirogova											

WEST SPRINGFIELD POLICE DEPARTMENT

OFFICER DERRICK KASPEROWSKI
PATROLMAN
26 CENTRAL ST.
WEST SPRINGFIELD, MA 01089

Telephone 413-263-3210
Fax 413-731-6798

DATE: 8/2/98
TIME: 2:26 AM
CASE#: 98-9765
LOCATION: 469 WESTFIELD ST APT. 7C

ON THE ABOVE TIME AND DATE, OFFICER BURKE AND MYSELF WERE DISPATCHED TO A 911 HANG UP CALL AT 469 WESTFIELD ST APT. 7C. UPON MY ARRIVAL, I LISTENED TO WHAT WAS GOING ON FROM OUTSIDE THE DOOR. I COULD HEAR A MAN (LATER IDENTIFIED AS MR. ROMAN ZHIRNOV) YELLING INSIDE THE APARTMENT. I COULD NOT UNDERSTAND WHAT THE MAN WAS SAYING BECAUSE HE WAS SPEAKING RUSSIAN. I COULD ALSO HEAR A WOMAN'S VOICE, BUT IT WAS IN A MUCH LOWER TONE (THE WOMAN WAS LATER IDENTIFIED AS MRS. INNA ZHIRNOVA).

I KNOCKED ON THE DOOR AND ANNOUNCED MYSELF AS A POLICE OFFICER. I HAD TO KNOCK SEVERAL TIMES BEFORE MR. ZHIRNOV ANSWERED THE DOOR. MR. ZHIRNOV HAD TO MOVE HIS KITCHEN TABLE AND CHAIRS WHICH WERE BARRICADING THE DOOR. WHEN MR. ZHIRNOV ANSWERED THE DOOR, I ASKED HIM IF HE HAD CALLED THE POLICE. HE SAID HE DID NOT SPEAK ENGLISH. OFFICER BURKE AND MYSELF WENT IN TO THE APARTMENT TO MAKE SURE EVERYTHING WAS O.K. WE ASKED ZHIRNOV WHO ELSE WAS IN THE APARTMENT. ZHIRNOV STATED THAT HE WAS ALONE. WHEN I LOOKED IN THE BATHROOM, I FOUND MRS. ZHIRNOVA. MRS. ZHIRNOVA WAS SHAKING AND CRYING. MRS. ZHIRNOVA ALSO HAD BRUISES ON HER FACE. OFFICER BURKE TOOK MRS. ZHIRNOVA OUT INTO THE HALLWAY TO TRY TO FIND OUT WHAT HAPPENED. I STAYED IN THE APARTMENT WITH MR. ZHIRNOV AND HE KEPT SAYING, IN BROKEN ENGLISH, THAT NOTHING WAS WRONG. MRS. ZHIRNOVA, WHO ALSO DID NOT SPEAK MUCH ENGLISH, TOLD OFFICER BURKE THAT MR. ZHIRNOV HIT HER AND THAT SHE HAD AN ACTIVE RESTRAINING ORDER AGAINST HIM. THE RESTRAINING ORDER WAS CONFIRMED AND I PLACED MR. ZHIRNOV UNDER ARREST.

I TRANSPORTED MR. ZHIRNOV TO THE POLICE STATION FOR BOOKING PROCEDURES. OFFICER BURKE TOOK MRS. ZHIRNOVA TO ZHIRNOVA'S HOME ON PINE STREET SO THAT HER SISTER COULD TRANSLATE TO OFFICER BURKE WHAT HAD HAPPENED.

MR. ZHIRNOV CALLED HIS BROTHER IN-LAW, SERGEY PIROGOV, FROM THE STATION AND ASKED HIM TO COME TO THE STATION TO TRANSLATE FOR HIM. PIROGOV CAME TO THE STATION AND DID

TRANSLATE FOR US, BUT ZHIRNOV DID NOT WANT TO GIVE US A STATEMENT. ZHIRNOV SAID HE WANTED TO TALK TO HIS LAWYER, BUT HE DID NOT KNOW HIS LAWYER'S NAME.

DUE TO STATEMENTS MADE BY MRS. ZHIRNOVA AND HER MOTHER, MR. ZHIRNOV WAS CHARGED WITH ADDITIONAL CRIMES.

SEE ATTACHED STATEMENTS FROM OFFICER BURKE, MRS ZHIRNOVA, AND MRS. ZHIRNOVA'S MOTHER(IRINA SYSOYEVA)

PICTURES OF ZHIRNOVA'S INJURIES WERE TAKEN BY SGT. FERRARINI AND TAGGED AS EVIDENCE.

A PAIR OF SCISSORS USED IN THE CRIME WERE TAGGED AS EVIDENCE.

MR. ZHIRNOV WAS CHARGED WITH:

- 1.VIOLATION OF RESTRAINING ORDER
- 2.TWO COUNTS A&B WITH A DANGEROUS WEAPON TO WIT-
SCISSORS. CH 265 S.15F
- 3.TWO COUNTS A&B. CH 265 S. 13A
- 4.B&E NIGHTTIME WITH INTENT TO COMMIT FELONY. CH. 266 S.17
- 5.TWO COUNTS KIDNAPPING. CH. 265 S. 26
- 6.TWO COUNTS HOME INVASION. CH. 265 S. 26
- 7.TWO COUNTS THREAT TO MURDER.

RESPECTFULLY SUBMITTED,


OFFICER KASPEROWSKI.

WEST SPRINGFIELD POLICE DEPARTMENT

OFFICER ALISSA BURKE
PATROLMAN
26 CENTRAL ST.
WEST SPRINGFIELD, MA 01089

Telephone 413-263-3210
Fax 413-731-6798

DATE: 08/02/98

TIME: 02:26AM

CASE#: 98-9765

LOCATION: 469 Westfield Street, Apartment 7-C

On 08/02/98, at approximately 2:26AM, Officer Kasperowski and I responded to 469 Westfield Street, Apartment 7-C for an Abandon 911 Hang-Up Call. Upon our arrival, Officer Kasperowski and I could hear an unidentified male yelling loudly from inside of the apartment. An unidentified female could also be heard but in a much lower voice. It could not be determined what the two individuals were saying due to the fact they were speaking Russian. The male subject was subsequently identified as Roman ZHIRNOV and the female subject was subsequently identified as Inna ZHIRNOVA.

Officer Kasperowski and I knocked on the apartment door and announced ourselves as Police Officers. We had to knock several times before Mr. ZHIRNOV finally answered the door. Officer Kasperowski asked Mr. ZHIRNOV if he had called 911. Mr. ZHIRNOV stated that he did not speak English, but shook his head no. Per department policy and procedure, Officer Kasperowski and I attempted to enter the apartment to ensure everything was okay. Mr. ZHIRNOV allowed us to enter the apartment through the door which had been barricaded with the kitchen table and chairs. In broken English, Mr. ZHIRNOV stated that no one else was inside the apartment. Once inside the apartment, Officer Kasperowski located Inna ZHIRNOVA inside the bathroom. Ms. ZHIRNOVA exited the bathroom shaking and crying and appeared to be very upset. At this time, Officer Kasperowski advised Mr. ZHIRNOV to step away from Ms. ZHIRNOVA and I immediately took Ms. ZHIRNOVA outside into the hallway. Once in the hallway, Ms. ZHIRNOVA indicated to me that Mr. ZHIRNOV had hit her in the face and head. I observed visible marks and fresh bruises on Ms. ZHIRNOVA'S face and forehead. Ms. ZHIRNOVA then indicated that there was an active restraining order against Mr. ZHIRNOV. I advised Officer Kasperowski of the active restraining order, which I was familiar with from an earlier incident, and Mr. ZHIRNOV was placed under arrest.

Mr. ZHIRNOV was then transported to the West Springfield Police Department for booking procedures in accordance with department guidelines.

Prior to leaving this location, Ms. ZHIRNOVA indicated that she needed her shoes. I entered the apartment with Ms. ZHIRNOVA while she obtained her shoes and while inside she reached for a pair of scissors that were on the counter. I quickly advised

Ms. ZHIRNOVA to hand me the scissors, but before she did, she held the scissors to her throat and indicated that Mr. ZHIRNOVA did this to her. Due to the language barrier, it was difficult to determine exactly what had taken place and it was at this time, I transported Ms. ZHIRNOV to her residence located at 101 Pine Street, 2nd Floor, West Springfield, where her sister, Liliya PIROGOVA, could translate what had occurred. Upon arrival at 101 Pine Street, I met with Ms. ZHIRNOVA'S sister, Liliya PIROGOVA and her mother, Irina SYSOYEVA.

Ms. PIROGOVA then translated the chain events leading up Mr. ZHIRNOV'S arrest. Through translation, Ms. ZHIRNOVA and Irina SYSOYEVA stated that Roman ZHIRNOVA broke into their 2nd floor apartment at 101 Pine Street through the rear porch. Once inside the apartment, Mr. ZHIRNOVA forced Ms. ZHIRNOVA and her mother, Irina SYSOYEVA, into her mother's bedroom located in the back of the house where he continuously threatened to kill both of them because they had taken a restraining order out against him. Mr. ZHIRNOVA then proceeded to beat and kick Ms. ZHIRNOVA and Ms. SYSOYEVA for approximately 3 hours. He also obtained a pair of scissors from the kitchen and threatened to kill them. Mr. ZHIRNOV forced Ms. ZHIRNOVA to take her clothes but did not assault her sexually. Both Ms. ZHIRNOVA and Ms. SYSOYEVA advised that Mr. ZHIRNOV stated to them that he had been watching their house for a week to make sure the two were alone when he came there. The two stated that he then put on a pair of work gloves and stated the police would have no proof he was there because he would leave no fingerprints or evidence. When Mr. ZHIRNOV heard Liliya PIROGOVA return home from work at approximately 1:30AM, he took the pair of scissors and held them to Ms. SYSOYEVA'S back threatening that if she told Ms. PIROGOVA that he was there he would kill Ms. SYSOYEVA. Once Ms. PIROGOVA went to bed, Mr. ZHIRNOV took the scissors and held them to Ms. ZHIRNOVA'S throat. At this time, he forced Ms. ZHIRNOVA to leave the residence with him threatening to kill her if she made a sound. Ms. ZHIRNOVA stated that he had parked his car on the next street so that no one would see it and forced her into the car. He then drove to his residence at 469 Westfield Street and forced her inside his apartment. Mr. ZHIRNOV then attempted to force Ms. ZHIRNOVA to write a letter stating he could have visitation rights with his 5 year old son, Andrey ZHIRNOV, on weekends. When Ms. ZHIRNOVA refused, Mr. ZHIRNOV stated that he was going to call the police and tell them that it was Ms. ZHIRNOVA who came to his apartment to kill him. He then dialed 911 and hung up stating that the call could not be traced back to him. It was then that Officer Kasperowski and I responded to 469 Westfield Street, Apartment 7-C.


See attached statements of Inna ZHIRNOVA, Irina SYSOYEVA and Officer Kasperowski. Photographs of Inna ZHIRNOVA'S injuries were taken and tagged as evidence in accordance with West Springfield Police Department guidelines.

Roman ZHIRNOV was charged with:

- 1.) Violation of a Restraining Order.
- 2.) A&B with a Dangerous Weapon to wit Scissors (2 counts)

- 3.) Assault and Battery (2 counts)
- 4.) B&E Nighttime with Intent to Commit a Felony (2 counts)
- 5.) Kidnapping (2 counts)
- 6.) Home Invasion (2 counts)
- 7.) Threat to Murder (2 counts)

Respectfully submitted,


Officer Alissa Burke